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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/196,338	11/19/98	HANDEL	S AC980010

LM02/1011

L. KEITH STEPHENS
HICKMAN STEPHENS & COLEMAN
P.O. BOX 52037
PALO ALTO CA 94303-0746

EXAMINER

KEMPER, M

ART UNIT	PAPER NUMBER
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2165

DATE MAILED: 10/11/00

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/196338

Applicant(s)

Handel et al

Examiner

Kemper

Group Art Unit

2764

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 7/31/00
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-20 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-20 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 7, 8
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1-6, 9-16, 19, 20 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Herz, patent number 6,029,195.

Herz teaches a method for creating a user network interface comprising the steps of: allowing a user to aggregate profile information into sets including at least one of home persona and work persona and each persona references needed profiles (col. 5, lines 20-40, col. 7, lines 1-10, col. 10, lines 45-65, col. 11, line 65 - col. 12, line 60, col. 90, lines 1-35), obtaining user profile information (see at least col. 4, lines 48-67); gathering information regarding product characteristics (see at least col. 4, line 48 - col. 5, line 20, col. 6, lines 16-66); correlating responses (see at least col. 4, line 48 - col. 5, line 20, col. 6, lines 16-66, col. 7, lines 5-50); performing a statistical analysis of responses (see at least col. 4, line 60 - col. 5, line 20, fig. 12); and presenting the statistical analysis in a personalized report based on the profile information (see at least col. 4, line 48 - col. 5, line 20, col. 6, lines 16-66, col. 7, lines 5-50 at least ranking, col. 65, lines 20-50, col. 68, lines 20-60). Herz also teaches storing and providing ratings (ranking) correlated to a product or service (see at least col. 4, line 48 - col. 5, line 20, col. 6, lines 16-66,

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col. 7, lines 5-50); statistically analyzing user profiles and retrieving profiles (see at least col. 6, lines 16-60, col. 11, lines 1-45, line 65 - col. 12, line 40, col. 21, lines 5-35, col. 22, lines 15-50) and rules and restrictions are associated with at least one persona (col. 37, line 65 - col. 47, line 60).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7-8, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz, patent number 6,029,195.

Herz does not clearly teach the use of a template however, it would have been obvious to one having ordinary skill in the art at the time of the invention to have used a template in displaying results since it is well known in the art to format a display following criteria and would have been adopted for the intended use of displaying, for example, the results of a query based on a ranking of highest to lowest and including the query itself as is common on search web sites.

5. Applicant's arguments filed on 7/31/00 have been fully considered but they are not persuasive.

The applicants attempt to put form over function by grouping the profiles, however, Herz teaches that the users can have different sets of profiles at least in col. 7, lines 5-10.

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6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)
(for informal or draft communications, please label "PROPOSED" or "DRAFT")
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA.,
Sixth Floor (Receptionist).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Kemper, whose telephone number is 703-305-9589. The examiner can normally be reached on Monday-Thursday from 8:30-6:00. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Trammell, can be reached at 703-305-9768.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is 703-305-3900.

M. Kemper
October 6, 2000

A handwritten signature in black ink, appearing to read 'M. Kemper', with a stylized, flowing script.

M. Kemper
Primary Examiner
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